

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VONDELL LEWIS,

No. C-09-0551 TEH (PR)

Petitioner,

v.

ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY

BEN CURRY, Warden

Respondent.

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Pro se Petitioner Vondell Lewis has filed a notice of appeal under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) (amended Dec. 1, 2009), Doc. #10, which the Court also construes as a request for a Certificate of Appealability.


Petitioner's request for a Certificate of Appealability is DENIED because he has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Nor has Petitioner demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

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1 The Clerk shall forward to the Court of Appeals the case
2 file with this Order. See F. R. App. P. 22(b)(1) (amended Dec. 1,
3 2009); United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).
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6 IT IS SO ORDERED.
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9 DATED 12/11/09



THELTON E. HENDERSON
United States District Judge

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